

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Jesse Reed,)	Case No. 1:21-cv-03039-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Cold Creek Nurseries, LLC,)	
)	
Defendant.)	
_____)	

This matter is before the Court on Plaintiff's Complaint alleging claims pursuant to Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1983.¹ ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Kaymani D. West for pre-trial proceedings and a Report and Recommendation ("Report"). On October 4, 2023, Defendant filed a Motion for Summary Judgment. ECF No. 39. Plaintiff filed a Response in Opposition, and Defendant filed a Reply. ECF Nos. 44, 45. On October 26, 2023, Defendant filed a Motion to Strike. ECF No. 46. Plaintiff filed a Response in Opposition, and Defendant filed a Reply. ECF Nos. 47, 49. On May 4, 2023, the Magistrate Judge issued a Report recommending that the Motion for Summary Judgment be granted and the Motion to Strike be found as moot. ECF No. 53. The Magistrate Judge advised the parties of the

¹ Plaintiff's other causes of action were previously dismissed. ECF No. 23.

procedures and requirements for filing objections to the Report and the serious consequences for failure to do so. Neither party has filed objections and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation. Defendant’s Motion for Summary Judgment [39] is **GRANTED** and its Motion to Strike [46] is **FOUND as MOOT**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

June 16, 2023

Spartanburg, South Carolina